

### **REMARKS**

This responds to the Office Action mailed on February 24, 2005.

Claims 1, 7, 12, 18 and 22 are amended, claims 3, 6, and 24 are canceled, and claims 1-2, 4-5, 7-23, and 25-27 are now pending in this application.

The Applicants respectfully request reconsideration and entry of the subject amendment. The subject amendment is believed timely, since the Applicants pursued a good faith belief in their previous responses to overcome the 35 USC 102 rejection. Further, this amendment is believed timely since this amendment does not present a new issue requiring further research.

#### **§102 Rejection of the Claims**

Claims 1-3, 5, 7-23 and 25-27 were rejected under 35 USC § 102 (b) as being anticipated by Silver's Unified Network Presence Management White Paper (hereinafter "Silver").

Base claims 1, 7, 12, 18 and 22 have been amended to indicate that the method includes the use of a hotspot from which the location determination is made. This limitation is part of claim 6, which was not rejected for anticipation under the Silver reference. Silver does not refer to hotspots and makes no teaching or suggestion of the use of hotspots.

A hotspot is a geographic location in which an access point provides public wireless broadband network services to mobile visitors through a WLAN. Hotspots are often located in heavily populated places such as airports, train stations, libraries, marinas, convention centers and hotels. Hotspots typically have a short range of access.

As a result, the base claims are believed allowable over Silver. The dependent claims are believed allowable by virtue of their dependence on an allowable base claim.

#### **§103 Rejection of the Claims**

Claim 4 was rejected under 35 USC § 103(a) as being unpatentable over Silver and further in view of Forssen et al. (U.S. 6,031,490) (hereinafter Forssen).

Claims 6 and 24 were rejected under 35 USC §103 (a) as being unpatentable over Silver as applied to claim 3/22 above, and further in view of Forssen and Smyth et al. (US 6, 347, 224) (hereinafter Smyth).

The Applicants believe that Forssen and Smyth are not properly combinable because they teach away from the Applicants' claims, since the micro-cells or regular cells require cellular behavior whereas hotspot do not possess cellular behavior. Further there is no motivation to combine these references since neither one teaches a hotspot. Both references are cellular based systems. Small cells are not hotspots. Therefore their combination is not supported by the law to render the Applicants' claims obvious.

Base claims 1, 7, 12, 18 and 22 have been amended to claim that the method includes the use of a hotspot from which the location determination is made. This limitation is part of claim 6, currently rejected under the 35 USC 103 rejection above.

The Applicants believe that even if, Forssen and Smyth are combined as suggested by the Office Action, the Applicants' base claims are not suggested or taught. The Applicants claim use of a hotspot to determine location. Neither Forssen or Smyth teach or suggest a hotspot. Reference the definition of hotspot above and at page 3, lines 20 and following of the Applicants' specification. The Office Action indicates that Forssen teaches a cell based system to determine the location. Forssen does not teach or suggest the use of a hotspot. The Office Action suggests substituting the micro-cells of Smyth with the cell based system of Forssen. Even if this is done a hotspot does not result, as the Applicants claim. The micro-cells of Smyth are not hotspot as characterized by the Office Action. The micro-cells are just small cells. These small cells have the indicia of regular cells. So if one makes the substitution called for by the Office Action, a hotspot does not result.

The micro-cells have regular patterns. The hotspot provides an irregular pattern. Hotspots are typically located in airports, train stations, libraries and coffee shops. These providers are located in irregular and random locations.

Cells and micro-cells provide as a key feature handoff or handover. Hotspots provide no handoff capability. Once you are out of the range of the hotspot, no communication or continuity of communication is possible through the hotspot. Small cells are not hotspots.

Small cells are part of a cell communication system. Small cells or micro-cells are provided by regular communication system providers. Hotspots are not part of a cell based communication system. Hotspots are provided by coffee shops and airports, for example. They are not an integral part of a cellular system.

For these reasons, the Applicants sincerely believe that the base claims, as amended, define over Forssen and Smyth, even if combined. The dependent claims are believed allowable by virtue of their dependence on an allowable base claim.

AMENDMENT UNDER 37 C.F.R. 1.116 – EXPEDITED PROCEDURE

Serial Number: 10/004,568

Filing Date: December 5, 2001

Title: METHOD OF AUTOMATICALLY UPDATING PRESENCE INFORMATION

Assignee: Intel Corporation

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Dkt: 884.624US1 (INTEL)

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Frank Bogacz, at 480-361-7740 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date April 25, 2005

By Ann M. McCrackin  
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 25 day of April 2005.

Dennis J. Kumpf

Name

[Signature]

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